

Remarks

Applicant thanks the Examiner for the attention to the current application. Claims 43 – 70 were examined. Claims 43, 57 and 70 have been amended for clarity. Claims 43 – 70 remain pending in the current application. No new subject matter has been added by way of these amendments, which are fully supported by the specification as originally filed.

Claim Rejections – 35 USC § 101

Claim 70 was rejected under 35 U.S.C. § 101 as allegedly being directed towards non-statutory subject matter. Applicant has amended claim 70 to clarify that the computer program product is embedded in a non-transitory computer-readable medium. Applicant respectfully submits that the amended claim complies with 35 U.S.C. § 101.

Claim Rejections -35 USC § 102

Claims 43 – 47, 49 – 54 and 56 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Jensen (US 2004/0261086). Applicant respectfully requests reconsideration of the rejection for at least the reasons set forth below.

Jensen provides a provisioning server 204 that allows various client devices 202a-c to obtain access to new digital services and update existing digital services (see Jensen [0025]). The provisioning server of Jensen includes a provisioning API 222 that provides a standard mechanism for communication between provisioning adapters used by the various client devices and a more generic provisioning application (see Jensen [0013]). Applicant notes that the provisioning API of Jensen 222 located on the provisioning server and appears to act as a connector between a provisioning application and the different provisioning adapters used by the client devices.

In contrast to the provisioning server of Jensen, current claim independent claim 43 is directed to a method for adaptive provisioning of an application on a terminal. The method is executed on the terminal. Applicant has amended the independent claim to clarify that the application is received at the terminal and that the provisioning operations are executed on the terminal using the one or more API enablers.

Applicant respectfully submits that the provisioning of an application to a terminal includes various actions, including the discovery of applications to install on the terminal, the installation of the application on the terminal. Applicant respectfully submits that the provisioning server of Jensen provides a provisioning API that provides functionality at the provisioning server for the discovering applications or services, subscribing to the applications or services and the delivery of the application or services to the client device. Jensen does not consider the need for greater flexibility how an application or service is installed on the terminal. In contrast, current claim 43 provides this flexibility in the provisioning process by specifying provisioning instructions with the application, and the retrieving appropriate API enablers that will execute the provisioning operation on the terminal.

As described above, Jensen fails to teach or suggest executing on the terminal the provisioning operations specified in the provisioning instructions, using the one or more API enablers.

Further, Jensen does not suggest determining one or more APIs required to perform the provisioning instructions. The Examiner has alleged that this is taught by Figure 3 of Jensen. However, Applicant notes that Figure 3 of Jensen merely depicts the components of the provisioning API used by the various adapters. Applicant notes that the provisioning API of Jensen provides a standard mechanism for communicating between the adapters and the provisioning application. Since the provisioning API of Jensen provides a standard mechanism to all of the adapters, Jensen does not consider the need to determine one or more APIs required to perform the provisioning instructions.

Further still, Jensen fails to teach or suggest retrieving one or more API enabler implementing a respective API and then using the API enabler implementing the API to execute the provisioning operations on the terminal. Rather, Jensen clearly teaches that the provisioning API is located on the provisioning server and not the client devices.

As set forth above, Applicant respectfully submits that amended independent claim is not taught, or suggested, by the teachings of Jensen. As such, Applicant submits that

claim 43, as well as claims 44 – 56 dependent therefrom comply with 35 U.S.C. 102(e).

Claim Rejections – 35 USC § 103

Claims 48, 55 and 57 – 70 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious in view of Jensen and Krantz (US 2005/0091357). Applicant respectfully requests reconsideration of the rejection for at least the reasons set forth below.

With regards to independent claim 57, Applicant notes that the claim is directed to a terminal that provides functionality for performing the method of claim 43. As described above, Jensen does not teach a terminal but rather describes a provisioning server. Further, as set forth above, Jensen does not teach or suggest retrieving an API enabler implementing an API and then executing the provisioning operations on the terminal using the API enablers implementing the API.

Applicant respectfully submits that Krantz, which was relied upon as provided a script interpreter, does not provide any teachings that would enable one skilled in the art to overcome the deficiencies of Jensen described above.

As set forth above, one skilled in the art would not be led to the subject matter of the current independent having regards to the combined teachings of Jensen and Krantz. As such, Applicant submits that current claims 47 – 70 comply with 35 U.S.C. 103(a).

Closing

In view of the amendments, remarks and having dealt with all of the rejections raised by the Examiner, reconsideration and allowance is courteously requested.

Respectfully submitted,

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